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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,751	02/12/2001	Stein A. Lundby	000411	9685
23696 7590 02/25/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER CHAN, RICHARD	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 02/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/782,751

Applicant(s)

LUNDBY, STEIN A.

Examiner

Richard Chan

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding applicant's arguments regarding the Moon reference not being able to disclose that the base station receives a signal from a mobile station via a reverse link common channel, and transmits to the mobile station a power control command for controlling a transmission power of the reverse link common channel according to the strength of the received signal, the applicant argues that that Moon reference is entirely unlike claim 1 of the present invention, in which the power control unit in a remote station apparatus generates a power control instruction which includes one or more commands configured to adjust a power control instruction which includes one or more commands configured to adjust a transmit power of the common channel at a base station.

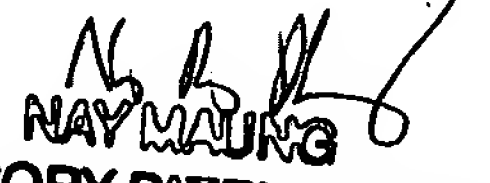
The examiner respectfully disagrees with the applicant's arguments. The examiner points the applicant once again to the Moon reference, specifically paragraph [0022]. The Moon reference specifically states "For the power control of the reverse link common channel, the base station receives a signal from a mobile station via the reverse link common channel, and transmits to the mobile station a power control command for controlling a transmission power of the reverse link common channel according to a received signal strength.

Regarding applicant's arguments regarding claim 7, wherein the Chen reference does not disclose adjusting and/or determining a power level for transmission for a power control instruction, the examiner discloses the preceding limitations were found in the Knutsson reference.

With respect to applicant's argument regarding the Knutsson reference not disclosing or suggesting, determining a received power control instruction for base station on a common channel, the examiner once again points the applicant to the Chen reference specifically paragraph [106] wherein Chen specifically Fig.7 discloses wherein a common power control channel 264 is communicated from base station and mobile station.

With respect to applicant's arguments, specifically "Moreover, in characterizing the disclosure of Chen as a "Shared channel structure for use in a forward link power control scheme, in other words, a power control instruction received on a common channel," (emphasis added), the Office Action reiterates what seems to be a recurring misapprehension of Applicant's claims—namely, the Office Action appears to confuse the base station transmission of power control instructions on a common channel (as in the claimed invention) with the reception of power control instructions at a base station, as in the cited reference. Regarding independent claim 4, the examiner points out to the applicant that the claim language is broad, and does not specifically disclose wherein the power control command is actually a transmitted instruction. The claim recites "an adjustment unit coupled to the determination unit, the adjustment unit operative to adjust a transmission power level of the power control instruction." Based on the claimed language, it could be interpreted the power control command could be received by the base station to control such a power control setting.

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2/14/08
571-272-0570


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